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UNCLAS SECTION 01 OF 02 BRASILIA 001325

SIPDIS

E.O. 12958: N/A

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SUBJECT: BRAZILIAN INDIANS DEMAND RIGHTS, FAULT GOB FOR
POOR INDIGENOUS POLICIES

REF: A. BRASILIA 941

[1](#)B. BRASILIA 985

[1](#)C. BRASILIA 1000

[1](#)1. (U) Summary. In his September 2002 "Commitment to the Indigenous Peoples of Brazil," then-candidate Lula da Silva recognized past GOB policy errors on indigenous issues and pledged to create "a coherent indigenous policy" to address land and other human rights issues. During Lula's first two and a half years in office, however, there have been no indications that his administration has created a coherent nationwide policy to address indigenous needs. A number of eligible areas await demarcation to become indigenous territory but problems within the GOB's National Indian Foundation (FUNAI) have made it difficult to process claims quickly. The "Indigenous April" campaign and a recently published Amnesty International (AI) report criticized the GOB's lack of a clear indigenous policy and its failure to demarcate land. End Summary.

The Demarcation Process and Indigenous Rights to Land

[1](#)2. (U) Approximately 400,000 indigenous people from 215 different "nations" live in Brazil. Although the Brazilian indigenous population makes up .03% of the population, they are constitutionally entitled to 11% of the land. The 1988 Constitution guarantees indigenous people the right to live on or own land they traditionally occupied before the formation of the Brazilian state or government.

[1](#)3. (U) The process to turn land into an indigenous reserve, or demarcation, requires that anthropologists and surveyors verify that indigenous people have historically occupied an area. The demarcation process is laboriously slow and it usually takes years, if not decades, to settle a claim. In public documents, the National Indian Foundation (FUNAI), which is responsible for coordinating GOB indigenous policy, admits that there are problems within the bureaucratic process but claims that underfunding, understaffing, corruption, and internal conflicts make it difficult to quickly process claims.

[1](#)4. (U) The GOB has declared that 580 that indigenous territories are eligible for demarcation under the 1988 Constitution. Of these, 340 are awaiting "ratification" while an additional 139 territories need "verification," two different steps in the long process. Justice Minister Marcio Thomaz Bastos pledged to complete the demarcation process for the remaining 139 territories before the end of 2006. Given the lengthy demarcation process and the GOB's past history on demarcation, representatives from the Forum in Defense of Indigenous Rights (FDDI), a group consisting of seven different indigenous and pro-indigenous rights organizations, doubt that GOB will meet this goal. (Note: On April 18, President Lula signed a decree to create Raposa Serra Do Sol, an Amazonian Indian reserve, in northern Brazil. Post will report septel. End Note)

"Indigenous April"

[1](#)5. (U) The FDDI launched "Indigenous April," a month long nationwide indigenous rights campaign to criticize the GOB's lack of a clear indigenous policy and its failure to quickly demarcate land. In a number of public forums and press releases, indigenous leaders announced that "President Lula was one of the worst Presidents to guarantee indigenous rights since the end of the military regime in 1985," and faulted Lula's administration for demarcating the least amount of indigenous land since the end of military rule in [1](#)1985. They further demanded an immediate end to violence and access to food, health care, and other social services on reservations.

[1](#)6. (U) During the month, indigenous leaders released a "Manifesto Against the Indian Policy of the Government" to demand that the GOB create a National Council for Indigenous Policies and immediately demarcate eleven pending claims. The Manifesto further declared that the GOB is an "anti-indigenous government" that "offers privileges to colonial and non-indigenous cultures" during demarcation and other judicial proceedings.

[1](#)7. (U) On April 19, in celebration of Indigenous Peoples Day, Lula asked for "patience" from indigenous people while FUNAI

worked to improve living conditions and demarcate land. Lula declared that his "moral promise" to the indigenous population not only included land demarcation, but the creation of social programs on indigenous reservations and communities as well. Justice Minister Bastos relayed Lula's comments but went a step further by asking for forgiveness from the indigenous community for the treatment they have received from the GOB throughout history. Indigenous April ended with a week long sit-in on the main Esplanade in Brasilia, Federal District from April 24 to May 3.

AI Report on Indigenous Living Conditions

18. (U) Amnesty International (AI) recently published a report entitled "Foreigners in our Own Country: Indigenous Peoples in Brazil" that criticized the GOB's lack of a clear indigenous policy and assessed living conditions among Brazil's indigenous population. In the report, AI stated that indigenous people continue to be victims of attacks, killings, and other forms of discrimination and the GOB has failed to meet its international and constitutional obligations. The report supported indigenous claims that GOB's failure to demarcate indigenous territories and the slow demarcation process contributed to violence, racial discrimination, and other human rights abuses. In territories where federal protection was needed, the GOB has failed to take action despite warnings from the OAS and other international organizations, AI reported.

19. (U) According to AI, living conditions on reservations and other indigenous communities are plagued with malnutrition, poor health care, violence, alcoholism, and suicide. Infant mortality rates have increased sharply this year. AI and the indigenous community blamed the GOB for the malnutrition deaths of 21 Guarani-Kaiowa indigenous children living on reservations since January. (Note: Sao Paulo will provide more information septel. End note.) The Brazilian National Health Foundation (FUNASA) accredited the high infant mortality rate to structural social and economic problems within the Guarani-Kaiowa community and their inability to access indigenous lands. FUNAI blamed the deaths on an increase in the number of births on the Guarani-Kaiowa reservation.

110. (U) In response to AI's report, the GOB admitted that it had been negligent in protecting indigenous rights but had made progress on its indigenous policies. The GOB noted that Lula has recognized 43 indigenous territories and reserved 12% of Brazil's territory for indigenous reserves since he took power in 2003. Indigenous Missionary Council Vice-President Saulo Freitas refuted this claim and presented documents to the media to show that since 2003, the GOB has only recognized 13 Indian ancestral lands, not 43. (Note: The Indigenous Missionary Council is an Indigenous Rights NGO sponsored by the Catholic Church. End note.)

Comment

11. (SBU) Indigenous April demonstrated the high degree of frustration in the indigenous community with sub-standard living conditions on reservations, and with the GOB's lumbering pace in the demarcation of land. AI's report offered further proof that Brazil's indigenous population deserves more attention from the GOB. Without more political and economic clout, however, it remains to be seen whether Brazil's indigenous population will ever receive the land and other entitlements they are guaranteed under the 1988 Constitution.

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